

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1542-01  
Bill No.: HB 574  
Subject: Crimes and Punishment  
Type: Original  
Date: March 7, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$26,776)	(\$55,158)	(\$56,813)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$26,776)</b>	<b>(\$55,158)</b>	<b>(\$56,813)</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

## ASSUMPTION

Officials from the **Office of Prosecution Services, Office of State Courts Administrator, Department of Public Safety – Division of Fire Safety,** and the **Platte County Sheriff's Department** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of the State Public Defender** assume existing staff could provide representation for those few cases arising where indigent persons were charged with knowingly burning or exploding. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume the proposal extends the statute of limitations for specified arson crimes from 3 to 5 years. Data from class A felonies (for which there is no statute of limitations) such as Robbery I and Arson I was used to estimate the potential increase in the number of admissions. About 6% of the admissions in FY00 for those crimes had a sentence date occurring from 3 to 5 years after the date of the crime. There were 64 new admissions in FY00 for Arson I, Arson II, and Knowingly Burning or Exploding. Half of these admissions were to be for 120-day or shock incarceration sentences. An increase of 6% would be an increase of 4 new admissions per year. The average time spent in prison for the crimes defined in the proposal is 12 months (which includes the shock sentences). The impact is estimated to be 4 inmates per year and would begin in the first year after passage of this proposal as law and would be static thereafter as shown in the following chart.

	END FY	AVERAGE	EMER HSNG	OPERATING	CONSTRUCTION	TOTAL COST
	POPULATION	POPULATION	EXPENSE	EXPENSE	EXPENSE	W/ INFLATION
<b>FY 2002</b>	4	2	0	25,996	0	26,776
<b>FY 2003</b>	4	4	0	51,992	0	55,158
<b>FY 2004</b>	4	4	0	51,992	0	56,813

The DOC estimates the increase in population will increase incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average population was used to determine fiscal impact.

Assumptions used to determine cost, and rounded to the nearest whole number, include:

- ▶ \$35.61 (FY99 cost) inmate per capita costs with an inflation rate of 3% per each subsequent year.

The DOC does not anticipate the need for additional capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in

the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Based on the above-outlined assumptions, the long-range fiscal impact is estimated to include the costs as follows:

	END FY	AVERAGE	EMER HSNG	OPERATING	CONSTRUCTION	TOTAL COST
	POPULATION	POPULATION	EXPENSE	EXPENSE	EXPENSE	W/ INFLATION
<b>FY 2005</b>	4	4	0	51,992	0	58,517
<b>FY 2006</b>	4	4	0	51,992	0	60,273
<b>FY 2007</b>	4	4	0	51,992	0	62,081
<b>FY 2008</b>	4	4	0	51,992	0	63,944
<b>FY 2009</b>	4	4	0	51,992	0	65,862
<b>FY 2010</b>	4	4	0	51,992	0	67,838
<b>FY 2011</b>	4	4	0	51,992	0	69,873
					<b>Total Ten-Year Fiscal Impact:</b>	<b>587,135</b>

FISCAL IMPACT - State Government

FY 2002  
(10 Mo.)

FY 2003

FY 2004

**GENERAL REVENUE FUND**

Costs - Department of Corrections

Increased incarcerations

**(\$26,776)**

**(\$55,158)**

**(\$56,813)**

FISCAL IMPACT - Local Government

FY 2002  
(10 Mo.)

FY 2003

FY 2004

**\$0**

**\$0**

**\$0**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation modifies the statute of limitations for arson in the first degree, arson in

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the second degree, and knowingly burning or exploding from three to within five years of the violation.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services  
Office of the State Public Defender  
Office of State Courts Administrator  
Department of Public Safety - Division of Fire Safety  
Department of Corrections  
Platte County Sheriff's Department



Jeanne Jarrett, CPA  
Director

March 7, 2001